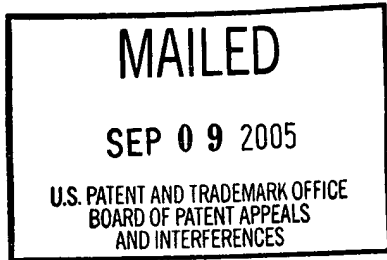


UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**



Ex parte JOSEPH DAVID RIGNEY
and MAGDI NAIM AZER

Application No. 10/086,148

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 3, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

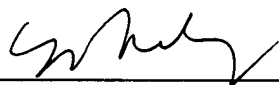
The Examiner's Answer mailed June 3, 2004 is defective because the prior art relied upon is not listed in the Examiner's Answer. This is needed to process the case. Appropriate correction is required.

Application No. 10/086,148

Accordingly, it is

ORDERED that the application is returned to the Examiner to list the prior art relied upon in the Examiner's Answer and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
Craig R. Feinberg
Program and Resource Administrator
(571) 272-9797

cc: McMeas, Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166

CRF/eld